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SIPDIS

NEA FOR FRONT OFFICE AND IPA; NSC FOR SHAPIRO/KUMAR; JOINT
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TAGS: [PGOV](#) [PREL](#) [KAWC](#) [KPAL](#) [KWBG](#) [PHUM](#) [IS](#)
SUBJECT: PA PRESENTS SUPPORTING DOCUMENTATION FOR WAR
CRIMES JURISDICTION TO THE ICC

Classified By: Consul General Daniel Rubinstein
for reasons 1.4 (b,d).

¶1. (U) On October 16, the International Criminal Court (ICC) issued a press release noting that Prosecutor Luis Moreno-Ocampo had received PA Minister of Justice Ali Khashan and an accompanying delegation in Geneva. The ICC's statement noted that the court would "carefully examine" the issues raised, starting with "the issue of whether the declaration by the PNA accepting the exercise of jurisdiction by the ICC meets statutory requirements." Moreno-Ocampo was quoted as saying that "we appreciate the efforts undertaken by the PNA and the extensive legal arguments presented on a highly complex area of law."

¶2. (U) In a statement to Palestinian media, Khashan said that he had presented Ocampo with documents outlining war crimes allegedly committed by Israel during December 2008 - January 2009 IDF combat operations in Gaza, and had responded to inquiries from the ICC related to the PA's attempt to accede to the Rome Statute and become a full ICC member. Khashan noted that it was important that those anticipating ICC action "have patience," given that "we (the PA) do not have any documentation for the Israeli crimes." Nevertheless, he said, he believed that PA engagement with the ICC and its attempts to achieve full membership would give Palestinians "the ability to confront with peaceful follow-up the revelation of Israeli war crimes."

¶3. (S) In an October 19 meeting with the CG, PM Salam Fayyad assessed that the ICC's procedure for determining whether the PA could submit a claim was "a two year process." "Tell the Israelis to lay off our backs," he said. "We're not even competent to submit a complaint. But in the wake of Goldstone, we can't not pursue these sorts of claims against Israelis." Still, he said, the ICC complaint is going nowhere -- "and neither is Goldstone." He argued that the PA needed to use this time, while the ICC and Goldstone issues worked their way through international bureaucracies, to change the conversation and win back public trust. "We don't have political capital to spend," he warned.

¶4. (S) Fayyad remained pessimistic about the damage done by the Goldstone issue, which he termed "completely debasing" of the PA's reputation. "Goldstone has really damaged us in a very lasting way," he argued. He also reiterated assertions that the GOI released damaging stories about Abu Mazen to the Israeli press.
RUBINSTEIN